



**MILPITAS CITY COUNCIL MEETING AGENDA  
NOVEMBER 15, 2005**

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**6:00 P.M. (CLOSED SESSION) • 7:00 P.M. (PUBLIC BUSINESS)  
455 E. CALAVERAS BOULEVARD**

**SUMMARY OF CONTENTS**

**I. ROLL CALL (6:00 p.m.)**

**II. ADJOURN TO CLOSED SESSION**

**CONFERENCE WITH LABOR NEGOTIATORS – COLLECTIVE BARGAINING  
(Pursuant to California Government Code Section 54957.6)**

**City Negotiators: Art Hartinger, Ed Kreisberg, Carmen Valdez**

**Employee Organizations: Milpitas Police Officers Association (MPOA), International Association of Firefighters (IAFF), Protech**

**Under Negotiation: Wages, Hours, Benefits, Working Conditions**

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
(Pursuant to California Government Code Section 54956.8)**

**Property: 110 Meadowland Dr., Milpitas, California**

**Agency Negotiators: City of Milpitas (Steve Mattas). Negotiating Party: Williamson /Wilson**

**Under negotiation: Terms and Conditions for Disposition of property**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
(Pursuant to California Government Code Section 54956.9(a))**

**City of Milpitas v. Turner Construction et al., Santa Clara County Superior Court Case No. 103CV815946 Consolidated with Case No. 103CV008400**

**III. CLOSED SESSION ANNOUNCEMENTS: Report on action taken in Closed Session, if required pursuant to Govt. Code Section 54957.1, including the vote on abstention of each member present**

**IV. PLEDGE OF ALLEGIANCE (7:00 p.m.)**

**V. INVOCATION (Vice Mayor Gomez)**

**VI. APPROVAL OF MINUTES (November 1, 2005)**

**VII. SCHEDULE OF MEETINGS**

**VIII. PRESENTATIONS**

**Proclamation**

**“Hunger and Homelessness Awareness Week” - November 13 - 19, 2005**

**Presentations**

- 1. Presentations to 2005 Annual Neighborhood Beautification Award Winners (Staff Contacts: Zulema Maggi, 586-3072 or Gloria Anaya, 586-3075)**

**Building a Sense of Community**

**Winner** - Nathan Mitchell - Parc Metropolitan H.O.A.-Metropolitan Dr.

**Attractive Non-Residential**

**Winner** -Standard Industries- 750-885 Yosemite Business Park

**Staff Choice Award**

**Winner** - Ong Ky – 1052 Dempsey Rd.

***CENTRAL AREA***

**Attractive Residential**

**Winner** - Mr. and Mrs. Olszewski – 1161 Kovanda Way

**Nominations**

Mona Freeman and Cindy Hickman – 191 Tiny St.

**Attractive Multi-Family Units**

**Winner** - Nhuy Nguyen – Friendly Village Mobile Home Park-136 Via Del Monte

**Attractive Homeowners Associations**

**Winner** - Mr. & Mrs. Huang – Beresford HOA - 278 Woodward Dr.

***HILLSIDE AREA***

**Attractive Residential**

**Winner** - Mr. & Mrs. Mujtaba - 2237 N. Park Victoria Dr.

**Attractive Homeowners Association**

**Winner** - Mr. & Mrs. Brubaker – Summit Pointe H.O.A. –1785 Pebble Beach Ct.

**Nominations**

Mr. and Mrs. Sordello – Summit Pointe H.O.A.- 1458 Tularcitos Dr.

***EAST VALLEY FLOOR AREA***

**Attractive Residential**

**Winner** - Omar Gavino and Rodelyn Baquinon – 520 Roswell Dr.

**Nominations**

Timothy Mandelke – 1725 Fair Hill Dr.

**Attractive Multi-Family Units**

**Winner** - Mai Do Rafe – Duet Home - 1289 Chewpon Ave.

**Attractive Homeowners Associations**

**Winner** - Mr. and Mrs. Puthiyadam – Hill Crest Villas H.O.A. – 2378 Cresthaven St.

***WEST AREA***

**Attractive Residential**

**Winner** - Carolyn Nguyen – 399 Spense Ave.

**Attractive Multi-Family Units**

**Winner** - Mr. and Mrs. Nguyen – Duet Home– 1623 Pinewood Way

**Attractive Homeowners Association**

**Winner - Mr. and Mrs. Anderson – Starlight Pines HOA – 1681 Greenwood Way**

(Refreshment Break)

**IX. CITIZENS FORUM**

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Members of the audience are invited to address the Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit their remarks to three minutes. As an unagendized item, no response is required from City staff or the Council and no action can be taken; however, the Council may instruct the City Manager to agendize the item for a future meeting.

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**X. ANNOUNCEMENTS**

**XI. ANNOUNCEMENT OF CONFLICT OF INTEREST**

**XII. APPROVAL OF AGENDA**

**XIII. CONSENT CALENDAR (\*Items with Asterisks)**

**XIV. PUBLIC HEARINGS**

2. **Approve A Vesting Major Tentative Map (MA2005-2) To Subdivide 4.56 Acres Into 12 Parcels For A Proposed Multifamily Residential Development With 147 Condominium Units For The Property Located At 1696 South Main Street (APN 86-34-017) And Montague Expressway (APNS 86-34-019 And -020) (Staff Contact: Staci Pereira, 586-3278)**
3. **Adopt Resolution to Vacate a Portion of Weller Lane and Winsor Street for Construction of the North Main Street Improvements, Library, and the Midtown East Parking Garage (Staff Contact: Steve Erickson, 586-3414)**
4. **Adopt Resolutions to Authorize the City of Milpitas to Enter into a Joint Exercise of Powers Agreement and to Approve the Issuance of Tax-Exempt Bonds by the California Municipal Finance Authority for the DeVries Senior Housing Project (Staff Contact: Felix Reliford, 586-3071 and Emma Karlen, 586-3145)**

**XV. UNFINISHED BUSINESS (None)**

**XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

**RA1. Call to Order by the Mayor**

**RA2. Roll Call**

**RA3. Approval of Minutes (November 1, 2005)**

**RA4. Approval of Agenda and Consent Calendar**

**RA5. Review of Proposal from Senior Housing Solutions to provide 20% Low-Income Housing Set-Aside Funds for the acquisition of a Single-Family Residence to develop affordable housing for seniors (Staff Contact: Felix Reliford, 586-3071)**

**\*RA6. Approve New Capital Improvement Project, Budget Appropriation, and Authorize City Manager to Execute Agreement Amendment, Central Pacific Engineering, for Sports Center Swimming Pool, Project No. 8180 (Staff Contact: Greg Armendariz, 586-3317)**

- \*RA7. Award Construction Contract and Approve Budget Appropriation: Sports Center Underwater Pool Lighting, Project No. 8163, Contractor RAN Electric, Inc. (Staff Contact: Greg Armendariz, 586-3317)
- \*RA8. Adopt Resolution Granting Initial Acceptance: Interim Senior Center Re-Roofing, Project No. 8178 (Staff Contact: Steve Erickson, 586-3414)
- \*RA9. Approve Agreements for Purchase of Real Property, Property Owners; Public Storage Inc., Public Storage Properties, LTD, and Bay Valley Professional Center LLC; Montague Expressway Widening, Project No. 4179 (Staff Contact: Greg Armendariz, 586-3317)

RA10. Agency Adjournment

## **XVII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES**

### **Parks, Recreation and Cultural Resources Commission**

- \*5. Approve Three Group, and One Individual, Youth Sports Assistance Fund Grant Requests (Staff Contact: Kerrilyn Ely, 586-3231)

### **Transportation Subcommittee**

- 6. Approve Budget Appropriation For a New Capital Improvement Project Entitled Abel St/ South Main Street Plan Line Study, Project No. 4230, and Conceptual Approval of Proposed Traffic Impact Fee For New Developments (Staff Contact: Jaime Rodriguez, 586-3335)

## **XVIII. NEW BUSINESS (None)**

## **XIX. ORDINANCES**

- 7. Introduce Traffic Ordinance No. 43.202, Amending the Traffic Code, to Change Speed Zones Boundaries and Speed Limits on Calaveras Blvd/Rd Between Sinclair Freeway (I-680) and the City's Easterly City Limits (Staff Contact: Jaime Rodriguez, 586-3335)
- \*8. Adopt Ordinance No. 201.4 Amending Milpitas Municipal Code, Chapter 2, Tree and Planting, to Add a Heritage Tree Program, ZT2005-5 (Staff Contact: Dennis Carrington, 586-3275)

## **XX. RESOLUTION**

- \* 9. Adopt Resolution Granting Initial Acceptance: 2005 Street Slurry Seal Project, Project No. 4223 (Staff Contact, Doug De Vries, 586-3313)

## **XXI. BIDS AND CONTRACTS**

- \* 10. Award the Bid for Two Ford Trucks (Staff Contact: Chris Schroeder, 586-3161)
- \* 11. Award the Bid for Defibrillators (Staff Contact: Chris Schroeder, 586-3161)
- \* 12. Approve a Third Year Adjustment and a One-Year Extension of the Valley Oil Company Contract (Staff Contact: Chris Schroeder, 586-3161)
- \* 13. Approve Agreement Amendment: Harris & Associates for Staffing (Staff Contact: Mehdi Khaila, 586-3328)

- \* 14. Authorize the City Manager to Execute Agreement Amendment: Olivia Chen Consultants (OCC), Gibraltar Reservoir and Pump Station Improvements, Project No. 7101 (Staff Contact: Doug DeVries, 586-3313)
- \* 15. Award the Bid for Commercial Recycling Promotions (Staff Contact: Chris Schroeder, 586-3161)

**XXII. CLAIMS AND DEMANDS**

- \* 16. Approve Payment Requests to Two Vendors/Contractors (Staff Contact: Chris Schroeder 586-3161)

**XXIII. ADJOURNMENT**

**SPECIAL MEETING, WEDNESDAY, NOVEMBER 30, 2005, AT 6:00 P.M.  
(PLANNING COMMISSION INTERVIEWS)**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, DECEMBER 6, 2005, AT 7:00 P.M.**

**KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT COMMISSION

at the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035  
E-mail: [rpioroda@ci.milpitas.ca.gov](mailto:rpioroda@ci.milpitas.ca.gov) / Fax: 408-586-3030 / Phone: 408-586-3040

*A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov), select Open Government Ordinance under News Features.*

**BECOME A CITY COMMISSIONER!**

Currently, there are openings on the following Commissions:

*Community Advisory Commission (1 alternate)*

*Economic Development Commission (rep. for Hotel Industry)*

*Planning Commission (3)*

*Recycling and Source Reduction Commission (1 alternate)*

Applications are available online at [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) or outside the City Council Chambers.

Contact the City Clerk's Office (586-3003) for information.

## AGENDA REPORTS

### **XIV. PUBLIC HEARINGS**

2. **Approve A Vesting Major Tentative Map (MA2005-2) To Subdivide 4.56 Acres Into 12 Parcels For A Proposed Multifamily Residential Development With 147 Condominium Units For The Property Located At 1696 South Main Street (APN 86-34-017) and Montague Expressway (APNS 86-34-019 and -020) (Staff Contact: Staci Pereira, 586-3278)**

**Background:** The applicant is requesting approval of a Vesting Major Tentative Map for condominium purposes to create 12 parcels for the residential buildings and associated common areas for a proposed multifamily development on three existing properties. The architecture and site improvement permits (SZ2005-3 and UP2005-17) have been separated from the subdivision plans in order to accommodate the applicant's schedule. The specific details of the proposed 147-unit residential development and associated site improvements are anticipated for review by the Planning Commission at their meeting on December 14, 2005.

As indicated on the plans, Lots 1 through 9 would be created for 19 residential buildings. Each lot would contain two buildings, with the exception of Lot 3, which would have three buildings within its boundary. Lot A, near the center of the property, would be created for a portion of the common recreational open space and would include recreational amenities such as a recreation building, pool, tot lot and open turf area. Lot B would be for the trash collection and pick-up area, while Lot C would be the portion of the property, which is currently being used as part of the Jack-in-the-Box driveway, which is not proposed to change.

Two access points are proposed for the residents, both off of South Main Street. Ingress and egress for the southernmost driveway is limited to right in and right out only from and to South Main Street. The northernmost driveway allows for a left in from southbound Main Street but limits the egress to a right turn only from the site onto South Main Street. The limited access would be controlled by a raised median, which the City is currently in the midst of designing and to which the applicant has agreed to contribute their fair share of the cost. An additional access, for emergency vehicles only, is proposed off Montague Expressway. This access would be designed to preclude any vehicles other than fire and other emergency vehicles.

Access and circulation routes are indicated on the plans as Easements A through J and would provide for access throughout the project, including to the individual garages at the rear of the buildings. The locations of the driveways and access points have been determined to be adequate by both the Fire and Engineering Departments. The specifics, however, will be reviewed in detail during staff's review of the site improvement plans.

The Planning Commission reviewed the application at its meeting on October 12, 2005 and recommended approval to the City Council. Included in the Council's agenda packet are special conditions of approval.

**Recommendation:**

1. Open the Public Hearing; receive any written protests and testimony.
2. Close the Public Hearing.
3. Approve the Vesting Major Tentative Map No. MA2005-2.

3. **Adopt Resolution to Vacate a Portion of Weller Lane and Winsor Street for Construction of the North Main Street Improvements, Library, and the Midtown East Parking Garage (Staff Contact: Steve Erickson, 586-3414)**

**Background:** On October 18, 2005, the City Council adopted the Resolution of Intention to vacate portions of Weller Lane and Winsor Street for construction of the Midtown, Library, and East parking garage improvements. The vacation is for roadway purposes and reserve areas for utility easement purposes. The notice of public hearing was posted in accordance with the Streets and Highways code.

The proposed vacation is consistent with the goals of the Midtown Specific Plan for the re-development of the North Main Street area and it is included the North Main Street Development Project Environmental Impact Report that was approved by City Council. On September 28, 2005 the Planning Commission found the proposed street vacation to be in conformance with the General Plan.

**Recommendation:**

1. Open the public hearing; receive any written protests and testimony.
  2. Close the public hearing.
  3. Adopt Resolution vacating those portions of Weller Lane and Winsor Street.
4. **Adopt Resolutions to Authorize the City of Milpitas to Enter into a Joint Exercise of Powers Agreement and to Approve the Issuance of Tax-Exempt Bonds by the California Municipal Finance Authority for the DeVries Senior Housing Project (Staff Contact: Felix Reliford, 586-3071 and Emma Karlen, 586-3145)**

**Background:** At its meeting on August 16, 2005, the Redevelopment Agency approved the Disposition and Development Agreement (DDA) between the Agency and MP Milpitas Affordable Housing Associates, an affiliate of Mid-Peninsula Housing Coalition, to permit the development of a 103-unit Senior Housing Project (“DeVries Place”) at 163 North Main Street. Part of the Agency’s approval includes financial assistance by the Agency in the amount of \$15.6 million. The developer’s financial contribution to the project will be approximately \$17 million.

Mid-Peninsula Housing will submit an application to the California Debt Limit Allocation Committee (CDLAC), for a State allocation of tax-exempt bonds to finance the developers’ \$17 million contribution. One of the requirements for the application submittal is the scheduling of a local public hearing pursuant to the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) before the filing deadline in early December 2005.

**TEFRA Public Hearing**

The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) requires a public hearing to be held by the “applicable elected representative” in the jurisdiction where projects financed with State issued tax-exempt bonds will be located. The bonds will be issued through the California Municipal Finance Authority (CMFA). CMFA is not an elected body, but as an applicable elected representative, the City is qualified to hold a TEFRA hearing for the proposed financing. The purpose of the TEFRA hearing is to allow the public to comment on the City’s intention to permit CMFA to issue tax exempt bonds, the proceeds of which will be used to finance the DeVries Place multifamily senior housing project. There is no financial contribution obligation or impact to the City. The TEFRA hearing only provides the mechanism for local community input and recognition of the State’s intent to issue public debt.

All the costs for issuing the bonds will be paid from the bond proceeds. The bonds will be solely secured by project revenues and by a deed of trust on the property. The issuance of the bonds will not affect the City appropriations limits and will not constitute any debt of the City. No assets of the City will be used as security, and payments on the bonds will not be guaranteed through the general taxing power of the City. The bond documents will expressly provide that the bonds are payable by the owner of the housing facilities being financed and that no public agency has any obligation to use its own funds to repay the bonds. The extent of the City’s involvement in the financing process is limited to holding the TEFRA public hearing and approving issuance of the bonds by CMFA.

**Joint Exercise of Powers Agreement**

CMFA is a Joint Powers Authority among members consisting of governmental entities, and functions primarily to support economic development through debt financing. CMFA requires that the City, in addition to holding the TEFRA hearing, to also approve CMFA's Joint Exercise of Powers Agreement and become a member of CMFA. There are no membership dues for the City to become a member, but CMFA will charge an annual fee as long as the bonds are outstanding. The annual fees will be paid by the housing developer as the Borrower in the financing. Annual fees are based on bond amounts outstanding on the anniversary of each issue.

Included in the Agency's agenda packet are copies of two resolutions for adoption to authorize the City of Milpitas to enter into a Joint Exercise of Powers Agreement and to approve the issuance of the tax-exempt bonds by the CMFA for the senior housing project.

**Recommendation:**

1. Open the public hearing and take testimony;
2. Close the public hearing;
3. Adopt Resolution approving the City's membership in the California Municipal Finance Authority (CMFA) and approving, authorizing and directing the execution of CMFA's Joint Exercise of Powers Agreement.
4. Adopt Resolution approving the issuance of tax-exempt bonds by CMFA for MP Milpitas Affordable Housing Associates, a California Limited Partnership, or a partnership established by Mid Peninsula Housing Coalition or an affiliate thereof, to finance the DeVries Place multifamily apartment project.

**XV. UNFINISHED BUSINESS (None)**

**XVI. JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

**RA1. Call to Order by the Mayor**

**RA2. Roll Call**

**RA3. Approval of Minutes (November 1, 2005)**

**RA4. Approval of Agenda and Consent Calendar**

**RA5. Review of Proposal from Senior Housing Solutions to provide 20% Low-Income Housing Set-Aside Funds for the acquisition of a Single-Family Residence to develop affordable housing for seniors (Staff Contact: Felix Reliford, 586-3071)**

**Background:** On August 31, 2005, the City received a request from Senior Housing Solutions (formerly Project Match) asking that the Agency consider a proposal to provide Redevelopment Agency 20% Low-Income Housing Set-Aside funds for the acquisition of a single-family residence. The house will be located in the City of Milpitas and developed as affordable senior housing. Senior Housing Solutions proposes to purchase a 3-5 bedroom single-family residence, rehabilitate the structure and provide affordable housing for 5 extremely low-income seniors. Rents would be held at 30% of Area Median Income (AMI) with a target to seniors whose income is \$1,000 per month or less.

Senior Housing Solution is requesting the Redevelopment Agency consider providing financial assistance in the amount of \$570,000 to purchase the single-family residence. Mr. Bob Campbell, Executive Director of Senior Housing Solutions, proposes to finance the project with a combination of funding allocated by the Milpitas RDA and County of Santa Clara Office of Affordable Housing and the Housing Trust Fund of Santa Clara County. To date, the applicant



has received \$250,000 commitment from the County of Santa Clara Office of Affordable Housing (see attached letter).

Senior Housing Solutions has provided 37 units of affordable senior housing to extremely low-income senior in eight single-family homes throughout Santa Clara County. The average age of the current residents is 72 years; the average monthly income is \$935. Rent including utilities, phone, and cable is approximately \$280 a month. The average level of participation for other cities is approximately \$378,000 (see attached table).

In addition to acquisition costs, typical rehabilitation costs includes new roof, gutters, double pane windows, window coverings, floor covering, interior and exterior painting, HVAC upgrade or modification and kitchen remodeling. The offer to purchase a house would be made to a potential property owner just as a private buyer of a single family home would do, with a 30-45 day escrow. Construction on the home would start within a month of the close of escrow and completed within six months or less. Milpitas seniors would have the first opportunity to rent within the single-family residence.

#### **Staff Review of Senior Housing Solutions Proposal**

Staff believes that the proposal from Senior Housing Solutions has merit and this approach providing affordable housing for seniors on fixed-income, has been implemented successfully in other communities. However, staff does have two major concerns:

- 1) Limited Available Funding for FY 2005-2006 for the RDA 20% Low-Income Housing Set-Aside Funds:** Currently, the Milpitas RDA has committed over \$31 million towards subsidy for affordable housing projects over the next several years. During the current fiscal year 2005-06, the 20% Set-Aside Housing fund has only \$800,000 available. To allocate approximately 70% of the remaining funds to this project reduces the funds available for future projects.
- 2) Leveraging of RDA Funds:** In the past, the Agency has required the developer to leverage the 20% Set-Aside Housing funds to maximize the use of the agency's financial contribution to the project. Even though the applicant has obtained other outside financial sources to contribute to the project, the costs of \$570,000 for 5 residents (\$114,000/per resident) is extremely high and consideration should be given to using the balance of the 20% funds for projects that provide a better use of leverage of the agency financial contribution and provide a greater return to benefit more Milpitas senior residents. The typical leverage ratio is 1:2 and the average unit subsidy is approximately \$90,000.

Based on the above two factors, staff recommends an alternative approach to this request by using several other funding sources in addition to the RDA 20% Set-Aside.

#### **Financial Alternatives for Senior Housing Solutions**

In addition to an appropriate level of Agency contribution, other alternative funding sources for this project include application through the Community Development Block Grant Program, and the Housing Trust Fund of Santa Clara County. A combination of all three sources can be used to fund this project as allocated in the following:

#### **Potential and Recommending Funding Sources**

Milpitas Redevelopment Agency	\$200,000
Community Development Block Grant	\$150,000
Housing Trust Fund of Santa Clara County	\$150,000
<b>Total Funding:</b>	<b>\$500,000</b>

#### **Use of Community Development Block Grant Funds**

As part of the recommended funding approach, the applicant could apply for Community Development Block Grant (CDBG) funds, which cycle starts in January and funds are allocated in July 2006. The CDBG Program Non-Public Service Activities allocates 65% (\$436,053) of the total grant allocation for these types of activities. However, it should be noted that the applicant would be competing with other similar projects for funding including the City's popular Single-Family Rehabilitation Loan Program, possible Terrace Gardens Board of Directors request to provide funding to financially assist on the replacement of the existing roof and other unknown applications at this time.

It would not be reasonable to assume that this project would receive the entire CDBG Non-Public Services amount of \$436,053 given the unknown applications in the next funding cycle, priorities and providing continuous funding for the popular Single-Family Rehabilitation Loan Program. However, a portion of the requested funds of \$577,000 could possibly be obtained through this process. Local senior housing is a top priority in the CDBG allocation priorities as adopted by the City Council and staff estimates a realistic appropriation would be approximately \$150,000.

**Estimated CDBG Fund Allocation (if approved): \$150,000**

**Housing Trust Fund of Santa Clara County**

At its meeting on April 5, 2005, the City Council/RDA allocated \$150,000 to the Housing Trust Funds of Santa Clara County for affordable housing in Milpitas. Staff has spoken with the staff from the Housing Trust Fund, and this project would be eligible to apply for these funds. The Council/RDA approved the funding allocation with the requirement that the funds must be spent in Milpitas on a project to support affordable housing. The Council/RDA previously (2001) provided \$500,000 to the Housing Trust Fund. These funds are currently being used by Mid Peninsula Housing to support that Senior Housing Project.

**Estimated Housing Trust Fund (if approved): \$150,000**

**Redevelopment Agency 20% Housing Set-Aside Funds**

Given the current fiscal position of the Housing fund, staff would recommend that only \$200,000 be allocated towards this project.

**Total RDA Funding Allocation: \$200,000**

Based on the three potential sources of funds from CDBG, Housing Trust Fund and RDA, the total allocation recommended by staff for this project is \$500,000.

Included in the Agency's agenda packet is the letter from Senior Housing Solutions addressed to the City Manager regarding this request and the background information regarding this item.

**Recommendation:**

1. Approve the allocation of \$200,000 from the RDA 20% Low-Income Housing Set-Aside funds to financially assist this project.
2. Direct staff to prepare a letter to the Housing Trust Fund of Santa Clara County in support of this project and the allocation of \$150,000 provided for affordable housing in Milpitas.
3. Direct Senior Housing Solutions to apply for CDBG funding to financially assist this project during the next funding cycle (January 2006).
4. If approved by the Redevelopment Agency, applicant must execute a Regulatory Agreement, which requires long-term affordability restrictions for this project for a period of 99 years.

**\*RA6. Approve New Capital Improvement Project, Budget Appropriation, and Authorize City Manager to Execute Agreement Amendment, Central Pacific Engineering, for Sports Center Swimming Pool, Project No. 8180 (Staff Contact: Greg Armendariz, 586-3317)**

**Background:** This project provides for the resurfacing of the swimming pools at the Sports Center. Due to heavy pool use, and additional cleaning have resulted in accelerated deterioration of the pool surface. In addition, the heavy spalling of the plaster surface has created safety concerns. Therefore, the resurfacing of the swimming pools, which is programmed in the five year CIP for funding in fiscal year 2007-08, needs to be performed as soon as possible. Funding for this project is available from RDA Tax Increment. In order to complete this project in the 2005-06 fiscal year staff is recommending the approval and funding of this project.

On August 16, 2005 the City Council authorized the pool resurfacing work to be bid with the Sports Center Underwater Pool Lighting Project. No responsive bids were received. On October 4, 2005, the City Council authorized the project to be re-packaged and bid as separate projects to allow for construction of the pool resurfacing work in spring of 2006 when weather conditions are more favorable.

On May 17, 2005, the City Council awarded a consultant contract to Central Pacific Engineering, Inc. for engineering design and construction support for the Sports Center Underwater pool Lighting Project. Staff recommends that Central Pacific Engineering perform additional services to repackage the plans and specifications for the swimming pool resurfacing project, and provide bidding and construction support for the project completion. An agreement amendment is proposed for these additional services. Staff has negotiated a scope and fee for these services not to exceed \$26,500, which is considered reasonable for the work.

Staff is requesting the approval of funding in the amount of 42,000, inclusive of staff time, for the design of this project. The Engineers estimate for the construction of the project is approximately \$197,500, including testing and inspection; an additional funding appropriation may be requested at award of the construction contract. Sufficient funds are available from RDA Tax Increment.

**Recommendation:**

1. Approve a new CIP Project: No. 8180, the Sports Center Pool Resurfacing.
2. Appropriate \$42,000 from RDA Tax Increment to be applied to this new project.
3. Authorize the City Manager to execute an agreement amendment with Central Pacific Engineering in the amount of \$26,500.

**\*RA7. Award Construction Contract and Approve Budget Appropriation: Sports Center Underwater Pool Lighting, Project No. 8163, contractor RAN Electric, Inc. (Staff Contact: Greg Armendariz, 586-3317)**

**Background:** On October 4, 2005, the City Council approved the project plans and specifications and authorized the advertisement for construction bid proposals. This project replaces the underwater lights at the Sports Center Yard Pool in compliance with the California Health Code, Section 3114B. Illumination of underwater areas provides direct vision and enables surveillance of all swimming activities. The work will include upgraded electrical panels, transformers and light fixtures in compliance with the state health code. The Engineer's estimated construction cost was \$30,000.

The project was advertised and sealed bid proposals were opened on November 3, 2005. One bid proposal was received for \$43,876.00.

The Contractors bid exceeds the Engineers estimate by \$13,376, which is 46% of the estimate. The discrepancy between the bids and the Engineers estimate is due to the specialized nature of the work and the size of the project. It is recommended that the bid be awarded rather than rejecting all bids and re-advertising for new bids because of health and safety nature of the work.

During the field investigation in the design phase of the project, additional electrical items were found to be safety hazards or not in compliance with the current code requirements. Therefore, additional scope was added to the project to include these items of work.

A budget appropriation in the amount of \$25,000 from the RDA Fund is being required to award this project.

**Recommendation:**

1. Approve a budget appropriation for \$25,000.
2. Award Construction Contract to RAN Electric, Inc. in the amount of \$ 43,876.

**\*RA8. Adopt Resolution Granting Initial Acceptance: Interim Senior Center Re-Roofing, Project No. 8178 (Staff Contact: Steve Erickson, 586-3414)**

**Background:** This project removed and replaced the existing roof at the Cracolice Building, upgraded the roof insulation, and performed minor upgrades to HVAC units. The project was awarded to Western Roofing Service on July 5<sup>th</sup>, 2005, and the contractor has successfully completed the project work. Therefore, an initial acceptance may be granted and the contractor's faithful performance bond may be reduced to \$9,093.50, which is 10% of the contract amount.

**Recommendation:** Adopt Resolution granting initial acceptance of the project, subject to the one-year warranty period and reduction of the faithful performance bond to \$9,093.50.

**\*RA9. Approve Agreements for Purchase of Real Property, Property Owners; Public Storage Inc., Public Storage Properties, LTD, and Bay Valley Professional Center LLC; Montague Expressway Widening, Project No. 4179 (Staff Contact: Greg Armendariz, 586-3317)**

**Background:** This project is included in the approved Capital Improvement Program (CIP), and provides for the widening of westbound Montague Expressway from 3 lanes to 4 lanes between I-680 and Piper Drive.

The project requires the acquisition of three properties. Appraisals and negotiated purchase agreements have been completed for the purchase of each of the three properties. The properties and purchase amounts are as follows:

1. A 99 square foot parcel owned by Public Storage, Inc: parcel is located at 1080 Pecten Ct. The total negotiated price for the parcel including escrow closing costs and related fees is \$4,000.
2. A 1,518 square foot sidewalk easement from Public Storage Properties, LTD. The parcel is located at 1609 Watson Court. The total negotiated price for the parcel including escrow closing costs and related fees is \$12,200.
3. A 529 square foot parcel and a 1,542 square foot sidewalk easement from Bay Valley Professional Center LLC. The parcel is located at 991 Montague Expressway. The total negotiated price for the parcel including escrow closing costs and related fees is \$23,600.

Sufficient funds are available in the project budget for these purchases.

**Recommendation:**

1. Approve Agreement for Purchase of Real Property in the amount of \$4,000 from Public Storage Inc.;
2. Approve Agreement for Purchase of Real Property in the amount of \$12,200 from Public Storage Properties, LTD;

3. Approve Agreement for Purchase of Real Property in the amount of \$23,600 from Bay Valley Professional Center LLC.

#### **RA10. Agency Adjournment**

### **XVII. REPORTS OF OFFICERS, COMMISSIONS, AND COMMITTEES**

#### **Parks, Recreation and Cultural Resources Commission**

##### **\*5. Approve Three Group And One Individual Youth Sports Assistance Fund Grant Requests (Staff Contact: Kerrilyn Ely, 586-3231)**

**Background:** On September 20, 2005 the Milpitas City Council approved and appropriated \$8,000.00 for the Youth Sports Assistance Fund for the 2005-2006 budget year. Included in the Commission packet for review and consideration are three (3) Group and one (1) Individual Youth Sports grant applications:

One Organizational Youth Sports Assistance Fund Application was received from Milpitas PAL Soccer Program, requesting \$1,000.00 to offset field paint, soccer balls, soccer nets and field paint sprayer for use during the 2005-06 soccer season.

One Organizational Youth Sports Assistance Fund Application was received from Milpitas Youth Soccer Club, requesting \$1,000.00 to offset cost of purchasing storage boxes for protection of equipment for the 2005-06 soccer season.

One Organizational Youth Sports Assistance Fund Application was received from Milpitas PAL Football, requesting \$1,000.00 to offset cost of purchasing ten (1) replacement sets of football shoulder pads and helmets and sponsorship of ten Milpitas youth in the football and cheer program during the 2005-06 football season.

All applicants meet the eligibility for the grant process. Staff has reviewed the items requested and has found that the requested items meet the application guidelines, under the section, "Acceptable Funding consideration will be given, page 2 item #3 states; "To one time activities or capital equipment purchases designed to address a need or problem which organization cannot routinely finance."

One Individual Youth Sports Assistance Fund Application was received from Martin McKeefery, requesting \$500.00 to offset cost of competing in the 9<sup>th</sup> Annual RACEeiver Legends Car and Thunder Roadster Road Course World Finals in Sonoma on Nov. 10-12, 2005.

This individual application falls within the guidelines, under section, "Funding consideration will be given," item #4 states; "As an event occurring where additional funding is required for a special event where participants are advancing beyond the normal spectrum of league play, hence additional expenses."

The Parks, Recreation and Cultural Resources Commission (PRCRC) reviewed the applications on November 7, 2005 and recommended all applications be forwarded to council for approval.

There is currently a balance of \$6,000.00 in the 2005-2006 Youth Sports Assistance Fund.

**Recommendation:** Approve three (3) Groups and one (1) Individual Youth Sports Assistance Grants, as recommended by the PRCRC, leaving a grant balance of \$2,500 for the remainder of the fiscal year.

#### **Transportation Subcommittee**

**6. Approve Budget Appropriation For a New Capital Improvement Project Entitled Abel St/ South Main Street Plan Line Study, Project No. 4230, and Conceptual Approval of Proposed Traffic Impact Fee For New Developments (Staff Contact: Jaime Rodriguez, 586-3335)**

**Background:** The Midtown Specific Plan adopted by Council identifies Main and Abel Street as the core of the City's Midtown Area with projects aimed at promoting redevelopment. Successful public-private partnerships with developers such as Kaufman & Broad (KB) is helping to implement streetscape improvements envisioned in the Midtown Specific Plan at an accelerated rate. KB specifically will be building streetscape improvements on Abel Street between Corning Avenue and Great Mall Parkway including the construction of landscape medians & sidewalks, decorative streetlights and trees.

Staff is recommending a Plan Line study be prepared to identify the appropriate traffic lane configuration including streetscape and new landscape median islands on Abel Street (between Great Mall Parkway and S. Main Street) and on Main Street (between Abel Street and Montague Expressway).

A Council approved Plan Line Study including location of future median islands ensures smart growth by assisting developers in the preparation of their site plans. This would include strategic location of their driveways with pre-approved full access driveway locations where appropriate. There is also a benefit to existing businesses and property owners, which is that they have the opportunity to participate in the development of the Plan Line Study, through the community outreach process.

To fund the cost of the median islands and streetscape improvements in the future, staff is also recommending that a Traffic Impact Fees be assessed now on all future development projects to help fund the construction of the improvements at a later date. Staff has prepared a conceptual median island project and estimates that a Traffic Impact Fee of \$144 per linear foot of frontage is a fair-share cost contribution for developers based on an overall project cost of \$2.1 million. Staff presented its conceptual median island plan to the Transportation Subcommittee on August 25, 2005. Staff also presented the conceptual median island plan and two proposed Traffic Impact Fee's to the Planning Commission during their September 28<sup>th</sup> meeting. Both the Transportation Subcommittee and the Planning Commission both recommend that Council authorize the Plan Line study to be completed and approve a budget appropriation of \$150,000 from the Street Fund to complete the study. The Planning Commission also recommended that the Traffic Impact Fee of \$144 per linear foot of frontage on the project area be assessed on future developers. This fee includes the cost of the Plan Line Study and the cost of improvements on a per linear foot basis.

**Recommendation:**

1. Approve new CIP Project No. 4230, Abel Street/South Main Street Plan Line Study.
2. Appropriate \$150,000 from the Street Fund to be applied to this new project.
3. Conceptually approve Proposed Traffic Impact Fees for New Development in the study area.

**XVIII. NEW BUSINESS (None)**

## **XIX. ORDINANCES**

7. **Introduce Traffic Ordinance No. 43.202, Amendment to the Traffic Code, to Change Speed Zone Boundaries and Speed Limits on Calaveras Blvd/Road Between Sinclair Freeway (I-680) and the City's Easterly City Limits (Staff Contact: Jaime Rodriguez, 586-3335)**

**Background:** The City owns, operates and maintains Calaveras Road from the East Side of I-680 to the City's easterly City limits. This includes the responsibility of preparing an Engineering & Traffic Survey for the roadway to determine the appropriate speed limit. The existing speed zone configurations and posted speed limits on Calaveras Blvd are as follows:

<u>Street</u>	<u>Existing Speed Zone Segment</u>	<u>Existing Posted Speed Limit</u>
Calaveras Blvd	Sinclair Freeway (I-680) to Dempsey Wy	35 MPH
Calaveras Blvd	Dempsey Wy to Temple Dr	35 MPH
Calaveras Blvd/Rd	Temple Dr East to City Limits	30 MPH

Staff collected speed data at several locations along Calaveras Blvd/Rd to study the current driving behavior of motorists and is recommending the following new speed zone segments and speed limits:

<u>Street</u>	<u>Proposed Speed Zone Segment</u>	<u>Existing Posted Speed Limit</u>
Calaveras Blvd	Sinclair Freeway (I-680) to Evans Rd-Piedmont Rd	35 MPH
Calaveras Rd	Evans Rd-Piedmont Rd to Downing Rd	35 MPH
Calaveras Rd	Downing Rd to Easterly City Limits	35 MPH

A staff report providing additional information on the study is attached.

**Recommendation:** 1. Waive first reading beyond the title, and 2) introduce Traffic Ordinance No. 43.202, an Amendment to the Traffic Code, changing speed zone boundaries and speed limits on Calaveras Blvd/Rd between Sinclair Freeway (I-680) and City's Easterly City Limits.

- \*8. **Adopt Ordinance No. 201.4 Amending the Milpitas Municipal Code, Chapter 2, Tree and Planting, to Add a Heritage Tree Program, ZT2005-5 (Staff Contact: Dennis Carrington, 586-3275)**

**Background:** The Community Advisory Commission (CAC) work plan includes a heritage tree program to promote tree protection awareness. Staff has prepared an amendment to the City of Milpitas Tree and Planting Ordinance to include the Heritage Tree Program.

On October 5, 2005, the CAC recommended that the City Council amend the City of Milpitas Tree and Planting Ordinance to include the Heritage Tree Program.

On October 12, 2005, the Planning Commission recommended that the City Council amend the City of Milpitas Tree and Planting Ordinance to include the Heritage Tree Program.

On November 1, 2005, the City Council introduced Ordinance 201.4 amending the City of Milpitas Tree and Planting Ordinance to include the Heritage Tree Program (as in staff report).

**Discussion:** The amendments would incorporate a new Heritage Tree Program into the existing "Tree and Planting" chapter (X-2) of the Milpitas Municipal Code. The program would increase public awareness of the important contribution of trees to the residents of Milpitas. Please see the November 1, 2005 staff report for the key changes proposed.

**Recommendation:** Waive second reading beyond the title and adopt Ordinance No. 201.4, amending the City of Milpitas Tree and Planting Ordinance to include the Heritage Tree Program as introduced on November 1, 2005.

## XX. RESOLUTIONS

### \*9. Adopt Resolution Granting Initial Acceptance: 2005 Street Slurry Seal Project, Project No. 4223 (Staff Contact, Doug De Vries, 586-3313)

**Background:** This project provided street repairs, slurry seal treatment and pavement delineation. The City Council awarded the project to American Asphalt Repair and Resurfacing Company, Inc. on August 2, 2005. The project has been successfully completed, and staff recommends that the Council grant an initial acceptance and authorize the reduction of the contractor's faithful performance bond to 10% of the contract amount or \$9,616.

**Recommendation:** Adopt Resolution granting initial acceptance of the project subject to the one year warranty period and reduction of the faithful performance bond to \$9,616.

## XXI. BIDS AND CONTRACTS

### \*10. Award the Bid for Two Ford Trucks (Staff Contact: Chris Schroeder, 586-3161)

**Background:** The current fiscal year's budget includes the purchase of two (2) trucks to replace worn and obsolete equipment, one (1) for Fire and one (1) for Public Works. Purchasing worked with department representatives and Fleet Maintenance staff to develop specifications on the vehicles and bids were sent to Fourteen (14) regional and Bay Area Ford dealers on Purchasing's bidders list. Three bids were received and are summarized below:

<u>Make &amp; Quantity</u>	<u>S&amp;C</u>	<u>East Bay Ford Truck Sales &amp; Western Truck Fab.</u>	<u>East Bay Ford Truck Sales &amp; Jack Hubbard</u>
F-350	\$32,260.00	\$33,036.00	\$32,336.00
F-550	46,900.00	47,958.00	46,148.00
Sub Total	79,160.00	80,994.00	78,484.00
Tax	6,530.70	6,682.01	6,474.93
Freight	.00	.00	.00
Tire Fee	21.00	21.00	21.00
TOTAL	\$85,711.70	\$87,697.01	\$84,979.93

East Bay Ford Truck Sales, Inc./Jack Hubbard is the overall low bidder, however the bid was structured such that the City could award on a line item basis to maximize savings. (Sufficient funding has been allocated in the FY 2005/06 Equipment Replacement fund and the department operating budgets for the purchase of the vehicles.)

**Recommendation:** Award the bid for the F-350 truck to S&C Ford for \$34,942.45 including tax and tire fee, and the F-550 truck to East Bay Ford Truck Sales, Inc. / Jack Hubbard for \$49,976.21 including tax and tire fee.

### \*11. Award the Bid for Defibrillators (Staff Contact: Chris Schroeder, 586-3161)

**Background:** On September 30, 2005 staff went out to bid for ten (10) public access defibrillators. The Invitation for Bid were sent to seven (7) vendors on Purchasing's vendor list, and all seven (7) responded. The following is a recap of the bids received.



<u>Bidder</u>	<u>Total Bid</u>
Phillips Medical Systems	11,063.15
Health Education Services	11,066.50
LifeLine, Inc.	11,974.35
Best Buy Gov, LLC	13,206.50
Du-All Safety	13,831.25
Cintas First Aid & Safety	17,995.38
Medtronic Emergency	21,709.71

During the same time period the City of Sunnyvale also went out to bid for the exact same product. Phillips Medical Systems was the low bidder there as well. The contract can be piggybacked with Sunnyvale's bid to save \$8.65 per unit. Staff therefore recommends that the City purchase off Sunnyvale's contract as authorized under Section I-2-5.06 "Purchase Through a Governmental Entity" of the Purchasing Ordinance.

(There are sufficient funds in the Fire Department operating budget for this purchase.)

**Recommendation:** Approve the purchase of ten (10) defibrillators from Philips Medical Systems for the not to exceed amount of \$10,969.51 including tax.

**\*12. Approve a Third Year Adjustment and a One-Year Extension of the Valley Oil Company Contract (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On October 2, 2002 Valley Oil Company was awarded a (1) one-year contract with (2) one-year renewal options (total three years) to provide gasoline and diesel fuel to the City. Amendment No. 6 to Valley Oil Company extended the contract until December 5, 2005 and increased the total amount of the contract to \$559,332.46. Current market increases driven by the aftermath of hurricanes Katrina and Rita have increased the price of fuel beyond our projections. In order to reach the end of the contract with sufficient funding on December 5, 2005, an \$80,000.00 increase is required, bringing the total to \$639,332.46 for the fourteen (14) month period

The oil market has changed radically in the last half year. Staff considered going out to bid, but under the current national circumstances, the possibility of getting better pricing is not considered to be likely. This opinion is further substantiated by the fact that staff researched the possibility of piggybacking on another local agency's contract but has been unable to find one that offers any advantage for us to switch.

There is speculation that federally imposed allocations for fuel may be coming in the near future. If the City switches vendors now the City could find itself in a very difficult position. Under federal allocation rules all emergency/first responders are supplied first, then customers are supplied based on their "Purchaser of record" ranking. "Purchaser of record" ranking is based on years of service/gallons purchased, so with a new vendor we would be very low on the list.

Valley Oil Company indicated that they were open to extending our current contract for an additional year from December 5, 2005 to December 4, 2006. This will allow us time to form a better idea of what the oil market will be like. Valley Oil's only request is to change the OPIS pricing index from Thursday of the previous week to Monday of the current week for pricing deliveries. This is consistent with the State of California and is considered to be the standard.

There are currently sufficient funds in the Public Works Department operating budget for these fuel purchases. Any further funding requirement will be considered in mid-year budget review.

**Recommendation:**

1. Approve Amendment No. 7, an \$80,000 increase to the third year of the Valley Oil Company contract for a total of \$639,332.46.
2. Approve Amendment No. 8 to Valley Oil Company contract authorizing the City Manager to extend the contract for one more year, and issue a purchase order in the amount of \$635,000.00 for the fourth contract year, subject to approval as to form by the City Attorney.

**\*13. Approve Agreement Amendment: Harris & Associates for Staffing (Staff Contact: Mehdi Khaila, 586-3328)**

**Background:** On March 2, 2004, the City Council approved an agreement with Harris & Associates to provide engineering plan check services to work at City Hall on some major development projects. Due to the substantial increase in private development it is anticipated that these engineering services will be required into the Summer of 2006. In order to meet private development project schedules, staff is recommending that the agreement with Harris & Associates be amended for time extension and to increase the contract amount from \$300,000 to \$540,000. Harris & Associates services are related to private development projects, which are fully reimbursed from developer funds. Included in the Council's packet are copies of the proposed agreement amendment and the budget appropriation form.

**Recommendation:**

1. Approve agreement amendment No. 2 with Harris & Associates and authorize City Manager to execute the same, subject to approval as to form by the City Attorney.
2. Approve budget appropriation in the amount of \$240,000 from General Fund, to be reimbursed by private development funds

**\*14. Authorize the City Manager to Execute Agreement Amendment: Olivia Chen Consultants (OCC), Gibraltar Reservoir and Pump Station Improvements, Project No. 7101 (Staff Contact: Doug DeVries, 586-3313)**

**Background:** This project is included in the current five-year Capital Improvement Program (CIP). On 11/16/04, City Council awarded a consultant agreement to Olivia Chen Consultants (OCC) to develop an Alternatives Analysis Study for the Rehabilitation of Gibraltar Pump Station. The study will evaluate several water supply pumping configurations, including peak-shaving pumping, booster pumping, and pressure relief valve alternatives, in order to improve the pump station reliability and efficiency, and significantly reduce maintenance costs. Results of the study will be used to develop a detailed final design for improvements of Gibraltar Pump Station.

Staff also recommends that OCC perform additional services in coordination with their sub consultant, SCEC, to incorporate recently revised air emissions standards for diesel engines into the evaluation of the alternatives presented in the report. The Bay Area Air Quality Management District (BAAQMD) administers the air emissions guidelines for diesel engines required by the Airborne Toxic Control Measure (ATCM). The results of this additional work will be also included in the Alternatives Analysis study and will be used to develop an air emissions compliance plan for the diesel engines at the Gibraltar Pump Station, as required by BAAQMD.

An agreement amendment is proposed for these additional services. Staff has negotiated a scope and fee for these services not to exceed \$9,206, which is considered reasonable for the work. There are sufficient funds in the project budget to cover this additional expense.

**Recommendation:** Authorize the City Manager to execute the agreement amendment with OCC, in the amount of \$9,206, subject to approval as to form by the City Attorney.

**\*15. Award the Bid for Commercial Recycling Promotions (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** On October 20, 2005 staff went out to bid for Desk Side Recycling Boxes. The Request For Quotation (RFQ) went to six (6) vendors on Purchasing's vendor list, and four (4) responded. Following is a recap of the bids received.

<u>Bidder</u>	<u>Quantity</u>	<u>Number of Pallets</u>	<u>Base Bid Amount</u>
1. The Box Lady	5000	9	\$6,425.00
	7500	13	8,252.50
	10000	17	10,060.00
2. Pat Davis Design Group	5000	10	\$5,995.00
	7500	15	8,795.00
	10000	20	11,495.00
3. Tharco	5000	?	\$4,362.00
	7500	?	6,012.00
	10000	?	7,712.00
4. One Earth	5000	10	\$15,329.91
	7500	15	21,290.90
	10000	20	26,394.02

Based on economies of scale and available storage space, the City has selected 7,500 as the most desirable quantity. Bidder No. 3 is rejected, as their bid did not include all of the information and/or costs as specified in the RFQ. The low bidder is The Box Lady. Allied Waste Services (formerly BFI) will pay for half of the cost.

(There are sufficient funds in the Solid Waste operating budget for this purchase.)

**Recommendation:** Award the bid for Commercial Recycling Promotions to The Box Lady in the not to exceed amount of \$8,933.33 including tax.

**XXII. CLAIMS AND DEMANDS**

**\*16. Approve Payment Requests: to Two Vendors / Contractors (Staff Contact: Chris Schroeder, 586-3161)**

**Background:** In accordance with direction given by City Council at its August 15, 1995 meeting, Purchasing has prepared the following two purchasing requests over \$5,000.00 for approval:

1. \$25,000.00 to the Milpitas Unified School District for the City's share of secretarial services for the Youth Services Bureau for the Police Department. (Funds are available in the Police Department operating budget for this service)
2. \$2,437.00 to Skyhawks Sports Programs for additional services for youth summer sports program. Staff planned for 288 participants but actually received registrations for 310. This requires an increase to the existing \$24,000 purchase order to cover the increased services necessary to accommodate the extra children. (Funds are available in the Recreation Services operating budget for this service)

**Recommendation:** Approve the two payment requests.

**XXIII. ADJOURNMENT**

**SPECIAL MEETING, WEDNESDAY, NOVEMBER 30, 2005, AT 6:00 P.M.  
(PLANNING COMMISSION INTERVIEWS)**

**NEXT REGULARLY SCHEDULED COUNCIL MEETING  
TUESDAY, DECEMBER 6, 2005, AT 7:00 P.M.**